

REMARKS

The present application was filed on August 7, 2001 with claims 1-49. Claims 1, 25 and 49 are independent. In the outstanding Office Action, the Examiner rejected claims 1-49. Applicants note that the Examiner fails to provide any basis for the rejection of claims 1-49 in the latest Office Action. Further, although the Examiner indicated that the claims included allowable subject matter in a telephone interview with Applicants' attorney on December 6, 2005, there is no indication of allowable subject matter in the latest Office Action.

With regard to the Declaration of Prior Invention filed on September 29, 2005, the Examiner contends that the previously submitted declaration is ineffective to overcome the Acharya reference. More specifically, the Examiner contends that the declaration does not specify that the IBM disclosure document and the draft application relate to the current application.

Applicants first note that the merits of the declarations have been considered several times and the above contention has never been addressed by the Examiner until this point. It is not clear how or why the Examiner's contention has changed, especially after time, efforts and financial resources of Applicants, Applicants' attorneys and the USPTO have already been attributed to the preparation, examination and defense of the submitted declarations.

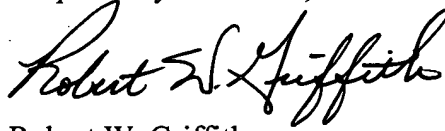
The Examiner now contends that there is no evidence that the "related patent application" as described in sections 2 and 4 of the inventors declaration is the "current application." With regard to section 2 of the inventors declaration, Applicants assert that Exhibit 1 includes a cover letter that instructs the preparation of patent application YOR920000742, which is the attorney docket number of the present application. Thus, it is clear that the instructions were sent for preparation of the current application, and that the "related patent application" is the "current application." With regard to section 4 of the inventor declaration, the Examiner admits that the draft application is sufficient to establish conception of the current application. Because this draft application is provided for the preparation of the related patent application, it is again clear that the "related patent application" is the "current application."

The inventor declaration, attorney affidavit and their corresponding exhibits evidence the conception of an invention falling within independent claims 1, 25 and 49 and one or more

dependent claims, at least as early as January 2, 2001, and thus prior to the March 23, 2001 effective date of Acharya. The inventor declaration, attorney affidavit and their corresponding exhibits further evidence due diligence in the preparation of a patent application from just prior to the March 23, 2001 effective date until the filing date of the U.S. patent application on August 7, 2001.

In view of the above, Applicants believe that claims 1-49 are in condition for allowance, and respectfully request withdrawal of the rejection.

Respectfully submitted,



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